HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL Nos.933, 969 and 1008 of 2000

08-08-2005

Between:

W.A.No.933 of 2000

Sk.Mohammad Jafar Hussain and others ..Appellants

And

Central Reserve Police Force represented by its

Director General, New Delhi, and others

.. Respondents

W.A.No.969 of 2000

G.Mohana Rao and others. .. Appellants.

And

Central Reserve Police Force represented by its

Director General, New Delhi, and others

.. Respondents

W.A.No.1008 of 2000

Dharmender Kumar and others

.. Appellants

and

Central Reserve Police Force represented by its
Director General, New Delhi, and others

.. Respondents

HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL Nos.933, 969 and 1008 of 2000

COMMON JUDGMENT: (Per Hon'ble Smt. Justice T.Meena Kumari)

The subject-matter involved in all these appeals is the same and hence, they are clubbed together and disposed of by the common judgment.

The facts in nutshell may be stated as follows:

The appellants herein are the writ petitioners. They have challenged the action of respondents including the proceedings of Inspector General of Police, Southern Sector, CRPF, Hyderabad, cancelling the selection of the petitioners for

appointment to the posts of Constable (General duty) in Central Reserve Protection Force (CRPF). The appellants have applied for the said posts pursuant to the notification in employment news dated

29-05-1999 to 04-06-1999 and were selected after the tests. While the appellants were undergoing training, the respondents have closed the mess and orally asked the appellants to vacate the premises. The writ petition was filed *inter alia* contending that a number of failed candidates have been selected and the merit list was not prepared in accordance with the rule of reservation as the SC/OBC candidates, who have secured more marks than general candidates and not availed of any relaxation, have not been adjusted against general quota, and thereafter, the new merit list was prepared by altering the marks. Thus, the two merits lists containing the names of same candidates have been found and in view of above, the impugned order dated 14-08-1999 cancelling the selection came to be issued. The learned single Judge dismissed the writ petition.

Heard learned counsel for the appellants and learned standing counsel for the respondents.

We have perused the impugned order of learned single Judge. Admittedly, the selection of appellants was done without following the rule of reservation and with the irregularity of declaring the failed candidates as having passed/fit, and the higher official having noticed the irregularity cancelled the selections. The learned single Judge has elaborately dealt with the contentions raised on either side and held that the petitioners do not have any legal or constitutional right to continue particularly when the selection was made without following the rule of reservation. The learned Judge further observed that the issuance of notice to the appellants before cancelling the selections is not required as they are the beneficiaries of the illegal and unconstitutional procedure adopted by the recruitment board. Thus, the learned single Judge rightly held that the appellants do not have enforceable and vested

right and as such, the writ petition is liable to be dismissed. In these circumstances, we confirm the orders passed by the learned single Judge.

The writ appeals are accordingly dismissed. No order as to costs.

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SMT. T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

08-08-2005

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